

(2) USE A PRIVATE REVIEW AGENT THAT DOES NOT HOLD A CERTIFICATE ISSUED UNDER SUBTITLE 10B OF THIS TITLE.

(E) AN ENTITY THAT VIOLATES ANY PROVISION OF THIS SECTION IS SUBJECT TO THE PENALTIES PROVIDED UNDER § 15-10B-12 OF THIS TITLE.

15-10B-01.

(a) In this subtitle the following words have the meanings indicated.

(b) (1) "Adverse decision" means a utilization review determination made by a private review agent that a proposed or delivered health care service:

- (i) is or was not medically necessary, appropriate, or efficient; and
- (ii) may result in noncoverage of the health care service.

(2) [There is no adverse decision if the private review agent and the health care provider on behalf of the patient reach an agreement on the proposed or delivered health care services.] "ADVERSE DECISION" DOES NOT INCLUDE A DECISION CONCERNING A SUBSCRIBER'S STATUS AS A MEMBER.

(c) "Certificate" means a certificate of registration granted by the Commissioner to a private review agent.

(d) (1) "Employee assistance program" means a health care service plan that, in accordance with a contract with an employer or labor union:

(i) consults with employees or members of an employee's family or both to:

1. identify the employee's or the employee's family member's mental health, alcohol, or substance abuse problems; and

2. refer the employee or the employee's family member to ~~{health care providers} A PHYSICIAN OR PROVIDER LICENSED OR AUTHORIZED TO PROVIDE HEALTH CARE SERVICES~~ or other community resources for counseling, therapy, or treatment; and

(ii) performs utilization review for the purpose of making claims or payment decisions on behalf of the employer's or labor union's health insurance or health benefit plan.

(2) "Employee assistance program" does not include a health care service plan operated by a hospital solely for employees, or members of an employee's family, of that hospital.

(E) (1) "GRIEVANCE" MEANS A PROTEST FILED BY A PATIENT OR A HEALTH CARE PROVIDER ON BEHALF OF A PATIENT WITH A PRIVATE REVIEW AGENT THROUGH THE PRIVATE REVIEW AGENT'S INTERNAL GRIEVANCE PROCESS REGARDING AN ADVERSE DECISION CONCERNING A PATIENT.

(2) "GRIEVANCE" DOES NOT INCLUDE A VERBAL REQUEST FOR RECONSIDERATION OF A UTILIZATION REVIEW DETERMINATION.